

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

CARL FOUST,

Plaintiff,

v.

CONSUMER ATTORNEY MARKETING
SERVICE,

Defendant.

Case No. 2:20-cv-02553-JDP (PC)

ORDER DIRECTING PLAINTIFF TO FILE
AN APPLICATION TO PROCEED IN
FORMA PAUPERIS OR PAY THE FILING
FEE

Plaintiff, a state inmate proceeding without counsel, has filed a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has not, however, filed an in forma pauperis affidavit or paid the required filing fee of \$350.00 plus the \$52.00 administrative fee. *See* 28 U.S.C. §§ 1914(a), 1915(a). Plaintiff will be provided the opportunity either to submit the appropriate affidavit in support of a request to proceed in forma pauperis or to submit the required fees totaling \$402.00.

The revised in forma pauperis application form includes a section that must be completed by a prison official, which must be accompanied by a certified copy of the prisoner's prison trust account statement for the six-month period immediately preceding the filing of this action. However, this section is only for prisoners not in custody of the California Department of Corrections and Rehabilitation ("CDCR"). Because plaintiff is housed in CDCR custody, the CDCR will email plaintiff's certified financial information directly to the court. But plaintiff

1 must still provide a signed and dated application to proceed in forma pauperis.

2 In accordance with the above, it is hereby ORDERED that:

3 1. Plaintiff shall submit, within thirty days of the date of this order, an application to
4 proceed in forma pauperis on the form provided by the Clerk of Court, or the required fees in the
5 amount of \$402.00.

6 2. Plaintiff's failure to comply with this order will result in a recommendation that this
7 action be dismissed.

8 3. The Clerk of the Court is directed to send plaintiff a new Application to Proceed In
9 Forma Pauperis.

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11 IT IS SO ORDERED.

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13 Dated: January 6, 2021

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JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE